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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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United States of America,	)	Case No. 2:13-cr-00138-LDG-CWH
	)	
Plaintiff,	)	
	)	MOTION TO DISMISS
vs.	)	INDICTMENT
	)	
ANTHONY WILLIAM LOPEZ,	)	
Defendant.	)	

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, for the reasons set forth herein, files this motion to dismiss the indictment without prejudice against defendant ANTHONY WILLIAM LOPEZ.

1. On April 5, 2013, the defendant, ANTHONY WILLIAM LOPEZ, was charged by complaint with a violation of Title 18, United States Code, Section 875(c). Doc. #1.

2. On April 16, 2013, a federal grand jury returned an indictment against the defendant charging him with the same violation of federal law. Doc. #9.

1           3.     On July 11, 2013, upon agreement of the parties, United States  
2 Magistrate Judge Carl W. Hoffman entered an order for the defendant to have a  
3 psychiatric/psychological evaluation (Doc. #20), after which the defendant received  
4 said evaluation at a Bureau of Prison's (BOP) facility in Springfield, Missouri. The  
5 defendant was subsequently determined to be incompetent. Accordingly, the parties  
6 stipulated to further commitment in the BOP facility to determine if his competency  
7 could be restored. Doc. #34 (stipulation); Doc. #36 (order on stipulation).

8           4.     On December 22, 2014 and May 4, 2015, orders were issued to further  
9 extend defendant's evaluation to determine if competency could be restored. Doc.  
10 #62; #72.

11           5.     It was subsequently determined that the defendant's competency  
12 could not be restored. Accordingly, the United States Attorney's Office in  
13 Springfield, Missouri filed a sealed petition for mental status (Case NO. 6:15-cv-  
14 03438-MDH at Doc. #1) in October of 2015. The defendant as subsequently  
15 completed a mental health evaluation. *See* 6:15-cv-03438-MDH Doc. #6 (Order);  
16 Doc. #8 (Sealed Evaluation Report [sealed]).

17           6.     On July 22, 2016, Magistrate Judge David P. Rush issued a report and  
18 recommendation (R&R) regarding the civil commitment of the defendant. 6:15-cv-  
19 03438-MDH at 13. The R&R was adopted by District Court Judge M. Douglas  
20 Harpool on August 2, 2016.

21           7.     The defendant has been civilly committed in the United States District  
22 Court for the Western District of Missouri and is awaiting placement at a state  
23 facility in accordance with 18 U.S.C. §§ 4241 and 4245.  
24


Dated this 7<sup>th</sup> day of September, 2016.

DANIEL G. BOGDEN  
UNITED STATES ATTORNEY

CRISTINA D. SILVA  
Assistant United States Attorney

## ORDER

DATED this 30 day of September, 2016.

  
Lloyd D. George  
Sr. U.S. District Judge